

Robert P. Dickson Attorney rdickson@dicksonlegal.com

August 4, 2016

Via email and first class mail

Philip E. Stutzman
Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908
phil.stutzman@pdc.wa.gov

Re: Response Complaint Filed by Chris Hurst, PDC Case 6365

Dear Mr. Stutzman:

The purpose of this correspondence is to respond to the assertions made regarding Mr. Darrel Dickson in a letter dated July 8, 2016. After an exhaustive review of the circumstances, including the relative positions of the participants alleged to be involved, it is clear that Mr. Dickson is innocent of the allegations put forward against him at the behest of Representative Chris Hurst.

# Enclosed, please find the following exhibits:

- A. Email correspondence (between Connor Edwards and Holly Dickson)
- B. Email correspondence (between Connor Edwards and Karen Jensen)
- C. Email correspondence (attached to Rep. Hurst's PDC complaint filing)
- D. C-1PC form Concerned Citizens of Enumclaw
- E. C-1PC form Citizens for a Better Enumclaw
- F. Declaration by Susan Etchy

The issue at the core of this investigation is the proper use and reporting of campaign donations. Specifically, Mr. Dickson is accused of having failed to report in-kind contributions associated with the creation and distribution of a political mailer and the publication of an editorial. The following are responses to the specific allegations contained in the July 8, 2016 correspondence.

1. Accepting over-limit in-kind contributions from Karen Jensen and Citizens for a Better Enumclaw because of Mr. Dickson's involvement in designing and facilitating two mailers that opposed Kimberly Lauk that were sponsored by CBE as Independent Expenditures (RCW 42.17A.405(14)).

RCW 42.17A.405 outlines the limitations for campaign contributions. For independent Political Action Committees, direct contribution limits are \$1,000. Rep. Hurst alleges that the independent Political Action Committee operated by Karen Jensen (Citizens for a Better Enumclaw) made an in-kind contribution to Mr. Dickson's campaign by facilitating mailers that opposed Ms. Lauk's candidacy (Rep. Hurst's daughter).

The renewed complaint is based on information provided to Rep. Hurst by Conner Edwards, a former aide to Senator Pam Roach. Mr. Edwards volunteered to assist in Mr. Dickson's reelection. He was never granted decision-making authority on behalf of the campaign. Specifically, Mr. Edwards worked to produce a campaign

mailer about Ms. Lauk's troubled financial past. Mr. Dickson generally disfavors negative campaigning, a fact that was fairly widely known. After some discussion, Mr. Dickson rejected Mr. Edwards's proposed mailer. After Mr. Dickson's rejection of the mailer, Mr. Edwards moved forward with the mailer's production on his own.

During Mr. Dickson's initial dealings with Mr. Edwards, the mailer was done with an eye towards using Mr. Dickson's campaign committee, entitled Concerned Citizens of Enumclaw ("CCE"). At no time did Mr. Dickson authorize or coordinate the distribution of any mailers through other independent PACs. In fact, the email exchanged between Mr. Dickson to Mr. Edwards, rather than raise concerns about Mr. Dickson and his alleged coordination, it demonstrates legal activities of a campaign:



#### Exhibit C.

As indicated in Exhibit C, Mr. Dickson contemplated using his campaign committee (CCE) to distribute the mailer, <u>not</u> an independent PAC (CBE). Furthermore, the mailer was never distributed by Mr. Dickson. Consequently, no contribution, in-kind or otherwise, was generated in relation to Mr. Dickson's consideration and rejection of Mr. Edwards's proposal. There has been no violation of the RCW by Mr. Dickson or his campaign committee.

# 2. Failing to report in-kind contributions from Karen Jensen and Citizens for a Better Enumclaw for the value of its two mailers (RCW 42.17A.240).

The correspondence contained in the new PDC complaint seems to indicate that Mr. Edwards was confused regarding the roles of the different committees alleged to be involved. For instance, the email contained in Exhibit C was in response to Mr. Edwards's request to review the proposed mailer. As noted above, Mr. Dickson's reelection committee is "Concerned Citizens of Enumclaw." It is not an independent PAC under the RCW. *Exhibit D*. (Ms. Jensen's filing is attached as *Exhibit E*.) In 2015, Mr. Dickson change the name of his campaign committee from "Friends of Darrel Dickson for City Council" to "Concerned Citizens of Enumclaw." *Id.* It appears that Mr. Edwards is confused about the characterization of Mr. Dickson's campaign committee. This is evidenced by Mr. Edwards's own email that accompanied the PDC correspondence. Specifically, he states the following:

As you can clearly see, Darrel had a clear role in developing the first communication that CBE sent out to Enumciaw voters. I did all the opposition research at his and Pam's behest, which included searching through Kim's court records, making public record requests to the Enumciaw police department, and many other things. Darrel worked with Pam and I to determine which information was the most damaging to Kim's candidacy and develop a message that would make voters think less of her. There are numerous other e-mails that will back up what I have to say, and I am more than happy to cooperate with you and the PDC on this.

There was no coordination between Ms. Jensen, CBE and Mr. Dickson. In fact, Mr. Dickson disapproved of the mailer. *See Exhibits A and B*. Mr. Edwards's efforts to find another entity to publish and distribute the mailer is the antithesis of coordination with Mr. Dickson. Rather, Mr. Edwards went ahead with his project after the candidate refused, because "he no longer wanted to send this [mailer] out because he thought it was too negative." *Ex. A*.

In an email exchange with Mrs. Holly Dickson (Mr. Dickson's wife), on September 22, 2015, Mr. Edwards acknowledged that Mr. Dickson had rejected the ad.

From: Conner Edwards

Date: September 22, 2015 at 10:01:42 PM PDT

To:

Subject: Fwd: Anti-Kim Lauk Mailer

Holly --

FYI, here is the mailer. When I spoke with Darrel earlier, it sounded like he no longer wanted to send this out because he thought it was too negative.

Please have him let me know if he still wants me to do this.

Thanks!

Conner Edwards (\_\_\_) \_\_\_ home (\_\_\_, cell

### Exhibit A

Clearly, not only did Mr. Dickson separate himself from the project, he expressly did not want the mailer sent. On his own volition, Mr. Edwards chose to push forward. *Exhibit B*.

Date: Wed, 23 Sep 2015 19:02:34 -0700
Subject: Enumclaw City Council Pos. 2 race
From:
To:

Karen -How's it going?

I understand that you've set up a PAC to help get the word out about Kim Lauk's illegal activities and bizarre behavior.

Here's a draft of the mailer (attached) that I want to send out to Enumclaw voters. I'd appreciate your feedback. Darrel wasn't comfortable sending it out, but I think it needs to be done all the same. I think I want to change the colors, but other than that I'm happy with it. The name of the PAC is Citizens for a Better Enumclaw, correct? I will communicate that with the mail-house.

Thanks!

Conner Edwards home cell

Exhibit B.

It appears that Ms. Jensen accepted the invitation from Mr. Edwards to produce and distribute the mailer. Ms. Jensen did not have a role in his campaign. She was not a decision-maker, nor did Mr. Dickson coordinate with her regarding reelection strategy. Ultimately, Mr. Edwards approached Ms. Jensen contrary to the candidate's wishes. *Ex. B.* Representative Hurst's second round of allegations is as meritless as his first.

3. Failing to report in-kind contributions from Susan Etchey for the value of her online news magazine, Enumclaw Echo, because of Mr. Dickson's alleged involvement and funding of Enumclaw Echo (RCW 42.17A.240).

Mr. Dickson did not receive in-kind contributions from Ms. Susan Etchy for the value of her online publication. Ms. Etchy confirmed as much in a written statement enclosed with this correspondence:

# Declaration

July 13, 2016

To whom it may concern,

I, Susan Etchey, owner and operator of The Enumclaw ECHO, an online newspaper, do declare that Darrel Dickson was not involved with any operatons, nor funded any portion of the operations of the Enumclaw Echo.

Further, a letter to editor was posted in my online newsletter during the 2015 City Council campaign that was negative against Darrel's opponent. This was written and submitted by a private citizen and posted to my online newspaper. I posted this letter to my online newspaper without the consent, knowledge, or any other involvement of Darrel Dickson.

The above statements are true and factual and I have indicated such with my signature below:

Susan Etchey

#### Exhibit F.

Representative Hurst appears to be seeking to use the PDC as his personal investigative arm, to gather intelligence on political opponents of him and his family. His scurrilous websites and wild conspiracy theories make clear that whatever compelled production there may be to the PDC will be fodder for him – information that, absent the meritless accusations, he would never be granted access to and that he could not use to retaliate against those who disagree with him. The PDC should not allow itself to be used by Rep. Hurst in this manner.

His efforts to get the PDC to investigate an on-line newspaper raise serious questions under the protections under the First Amendment and Washington's constitution to the right to speak and publish. I expect that any effort to compel production of additional information from the Enumclaw ECHO would face prompt constitutional challenge. Until last year, had Rep. Hurst attempted this tactic individually, he would have been exposed to serious liability under Washington's Anti-SLAPP statute.

\_\_\_\_\_

#### Conclusion

This allegation of failure to report in-kind contributions was already examined by the PDC. Based on our review of the facts, Mr. Hurst has provided nothing new to prompt re-opening the investigation. First, the underlying evidence refutes any violations by Mr. Dickson or CCE. Mr. Dickson ultimately rejected its publication and distribution of the mailer. *See Exhibits A and B.* As a result, no "contributions" were generated and consequently, RCW 42.17A.405 limitations were not triggered. In fact, at the time of the initial work on the mailer, Mr. Edwards's communiques indicate that his proposal was to use Mr. Dickson's campaign committee (not CBE or any other independent PAC).

Second, as indicated by Mr. Edwards's emails between parties, Mrs. Jensen did not act on behalf of, or in coordination with, Mr. Dickson. *See Exhibit B*. Rather, after Mr. Dickson withdrew his support of the mailer prior to its dissemination, Mr. Edwards took it upon himself to find an alternative outlet to distribute his mailer. *Id*.

Finally, Ms. Etchy denies ever receiving funds from Mr. Dickson in exchange for the publication of a favorable piece in her online news publication. *Ex. F.* 

This investigation should conclude with a prompt PDC finding that Mr. Dickson did not violate any campaign finance laws and a second dismissal.

Sincerely,

DICKSON LAW GROUP PS

Robert P. Dickson

cc: Client RPD:3073-072116

# Exhibit A

From: Conner Edwards <

Date: September 22, 2015 at 10:01:42 PM PDT

To:

Subject: Fwd: Anti-Kim Lauk Mailer

Holly --

FYI, here is the mailer. When I spoke with Darrel earlier, it sounded like he no longer wanted to send this out because he thought it was too negative.

Please have him let me know if he still wants me to do this.

Thanks!

Conner Edwards

home cell Exhibit B

Date: Wed, 23 Sep 2015 19:02:34 -0700 Subject: Enumclaw City Council Pos. 2 race

From: To:

Karen --

How's it going?

I understand that you've set up a PAC to help get the word out about Kim Lauk's illegal activities and bizarre behavior.

Here's a draft of the mailer (attached) that I want to send out to Enumclaw voters. I'd appreciate your feedback. Darrel wasn't comfortable sending it out, but I think it needs to be done all the same. I think I want to change the colors, but other than that I'm happy with it. The name of the PAC is Citizens for a Better Enumclaw, correct? I will communicate that with the mail-house.

Thanks!

Conner Edwards

home cell

#### Exhibit C

From Darrel Dickson < > Date: Thu, Sep 17, 2015 at 10:18 PM Subject: Re: updated mailer To Conner Edwards < >, Holly Dickson < > Conner.

Looks great! Thank you!! . I think we should order 2000 of these cards. We can have Tek start working on this. I have to double check on the language Paid for by Concerned Citizens of Enumclaw prior to printing Let's talk tomorrow.

On Thu, Sep 17, 2015 at 6.12 PM, Conner Edwards < > wrote

What do you think of the new image? Is it OK?

Conner Edwards
Fwd. updated mailer
June 20, 2016 at 9:24 PM
Christopher Hurst

Chris --

Here is the e-mail that I mentioned to you earlier. I want you to have this so that you can give it over to the PDC. While I would like to be kept out of whatever proceedings come from you giving this to the commission, I understand that is probably not a real possibility

As you can clearly see, Darrel had a clear role in developing the first communication that CBE sent out to Enumciaw voters. I did all the opposition research at his and Pam's benest, which included searching through Kim's court records, making public record requests to the Enumciaw police department, and many other things. Darrel worked with Pam and I to determine which information was the most damaging to Kim's candidacy and develop a message that would make voters think less of her. There are numerous other e-mails that will back up what I have to say, and I am more than happy to cooperate with you and the PDC on this.

Giving this e-mail over to you was not an easy decision for me to make. The part of me that did Pam's dirty work for the last two years badly wanted me to lie and pretend that this e-mail didn't exist.

But if does exist. And it does show activity that was clearly wrong and illegal. And I was underliably an integral part of it.

It was also a hard personal decision to make because it will undoubtedly make it into the public sphere that I "narked" and gave up insider information. Additionally, there is the risk that I won't be able to work on campaigns or in politics generally in the tuture because people will think I'm "untrustworthy" and "insubordinate". This is hard for me because I really did enjoy working as an LA and campaign manager. As someone who grew up thinking I would be lucky to land a job flipping burgers, working for a Senator was a tremendous honor. Perhaps the hardest part of this entire experience of coming out against Pam was the realization that I would probably never work at the leg. again

But since I'm already coming forward, I should come forward with it all. Pam is now alerted to the fact that I am coming out publicly against her and is already apparently calling people in an attempt to have me blackfisted from any political jobs in the future. This is something I anticipated before I made my decision, so I can't cry about it too much

I will say a few words in defense of myself that are not intended to discharge my responsibility. This was my first time designing a mail piece, and I didn't understand statutory sponsor ID requirements. If I had dedicated any real time to examining the PDC's sponsor ID requirements, I would have realized that the entire piece was not compliant due to collaboration. Unfortunately, I can't claim that excuse for the 2nd piece that all of this stuff was illegal but asked me to continue doing it answay.

At the end of the day, I still feel like Darrel was duped by Pam into thinking that negative illegal independent expenditures would win him the election. Still, Darrel, as an adult, businessman and a former elected official, also needs to take responsibility for his actions. If he had just told the truth about his role with CBE in response to investigators, he probably would have only received a slap on the wrist. Lying to the PDC is much bigger deal than collaborating with independent expenditures. You told me some other things about Darrel that really make me rethink willing to do. He deserves some extra scrutiny.

Lastly, I will also say that I don't believe Karen Jensen really knew or understood anything about campaign linance laws or disclosure requirements. Karen truthfully did not have much involvement in any of the CBE activities, other than paying for the printing and postage. At one point, I even instructed Karen on what to say in response to PDC staff. Truth be told, I don't even know that Karen knew that Darrel and I collaborated on the design. But she likely did. She certainly knew that I worked dosely with Darrel on parts of the campaign.

Although I was doing what Pam and Darrel told me to do. I am also directly responsible for what happened in the Enumciaw Council race.

I take responsibility for my actions and I hope that you, Kim, and the entire Lauk/Hurst family can forgive me.

Please don't hesitate to let me know if there is anything alse you want to know.

Best,

Conner Edwards

celt

# Exhibit D

RECEIVED

SEP 2 1 2015

Public Disclosura Commission

DATE FILED PDC

SEP 18 2015

Enumclaw, WA 98022 September 17, 2015

3265 Phillips Avenue

Public Disclosure Commission Post Office Box 40908 Olympia, Washington 98504-0908

Dear Sirs:

The attached form C-1PC is for the purpose of changing the name and address of and existing PAC.

Old PAC: Friends of Darrel Dickson for City Council

3265 Phillips Avenue Enumclaw, WA 98022

New PAC: Concerned Citizens of Enumclaw

718 Griffin Avenue #920 Enumclaw, WA 98022

Thank you,

PUBLIC DISCLOSURE COMMISSION						
711 CAPITOL WAY RM 236 PO NOX 40168 OLYMPIA WA 58504-5958 (340) 733-1111 Toll Free 1-577-401-2828	Political Committee Registration			ATE FILED PDC		
Committee Name (Include sponsor in committee name. See next page for definition of "sponsor." Show entire official name. Do not use abbreviations or acronyms in this box.)			Acronym: CCO	E SEP 18 2015		
Concerned Citizens of Enumclawl			Telephone: (360)	3676420		
Maling Address 718 Griffin Avenue #920			Fax: ( )			
City Enumclaw	County WA	Zip + 4 98022	E-mail: hbhai	les@by		
NEW OR AMENDED REGISTRATION?  ☐ NEW. Complete entire form.  ☐ AMENDS previous report. Complete entire form.	NEW. Complete entire form.   Continuing (On-going; not established in anticipation of any particular campaign election.)					
What is the purpose or description of the committee?     Bona Fide Political Party Committee - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list of the names of the candidates you support.						
	I, etcName or description of ballot me	89Ure:	A	Ballot Number FOR AGAINST		
Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:						
For single election-year only committees (not continuing committees): is the committee supporting or opposing (a) one or more candidates?    Yes   No   If yes, attach a list of each candidate's name, office sought and political party affiliation.  (b) the entire ticket of a political perty?    Yes   No   If yes, identify the party.						
Related or affiliated committees. List name, address and relationship.    Continued on attached sheet.						
How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)  If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.  MINI REPORTING  FULL REPORTING						
Mini Reporting is selected. No more than than \$500 in the aggregate will be accept	ted from any one contributor.	more Full Reports mandated b	y law will be filed as re			
Campaign Manager's or Media Contact's Name at	(	Telephone Number:				
Treasurer's Name and Address. Does treasurer p next page for details. List deputy treasurers on at	attached sheet.	Daytime Telephone Number:				
Hugh B. Hales	, ,	50 ) 3676420				
Persons who perform only ministerial functions on behalf of this committee and on behalf of candidates or other political committees. List name, 6te, and address of these persons.     See WAC 390-05-243 and next page for details.						
7. Committee Officers and other persons who authorize expenditures or make decisions for committee. List name, title, and address. See next page for definition of "officer."  Continued on attached sheet.						
8. Campaign Bank or Depository Bank of America		Branch Enumclaw	, ,	Enumclaw		
<ol> <li>Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post effice box or an out-of-area address.</li> </ol>						
Street Address, Room Number, City where campaign books will be available for inspection 3265 Phillips Avenue, Enumciaw WA 98022						
In order to make an appointment, contact the campaign at (belephone, fax, e-mail): (360 )3676420  10. Eligibility to Give to Political Committees and State Office Candidates: A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters.    A check here indicates your awareness of end pledge to compty with these provisions. Absence of a check mark means your committee does not qualify to give to Washington						
State political committees and/or state office candidates.  SEE INSTRUCTIONS ON NEXT PAGE						

# Exhibit E

PUBLIC DISCLOSURE COMMISSION	Political Committee Registration			DATE FILED PDC			
711 CAPITOL MAY EM 206 PO BOX 40908 01/MPIA WA 88304-9008 (340) 733-1111 Toll Free 1-877-401-2828			C1 <sub>PC</sub>	OCT 2 0 2015			
Committee Name (Include sponsor in committee name. See next page for definition of "sponsor." Show entire official name. Do not use abbreviations or acronyms in this box.)			Acronym: CBE				
Citizens for a Better Enumclaw			Telephone: (253) 7095191				
Mailing Address 718 Griffin Ave #920			Fax: ( )				
Enumclaw	County King	Zip + 4 98022	E-mail:				
NEW OR AMENDED REGISTRATION?  NEW. Complete entire form.  AMENDS previous report. Complete entire form.	m.   Continuing (On-going: not established in anticipation of any particular campaign election.)						
What is the purpose or description of the committee?     Bona Fide Political Party Committee - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list of the names of the candidates you support.							
☐ Ballot Committee - Initiative, Bond, Levy, Recall,		Ballot Number FOR AGAINST					
Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:							
For single election-year only committees (not continuing committees): is the committee supporting or opposing (a) one or more candidates?  Yes  No If yes, attach a list of each candidate's name, office sought and political party affiliation.  (b) the entire ticket of a political party? Yes  No If yes, identify the party:							
(b) the entire ticket of a political party? Yes No If yes, identify the party:  2. Related or affiliated committees. List name, address and relationship.							
Continued on attached sheet  3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)							
If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.  MINI REPORTING Mini Reporting is selected. No more than \$5,000 will be raised or spent and no more than \$500 in the aggregate will be accepted from any one contributor.  Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.							
Campaign Manager's or Media Contact's Name and	Telephone Number:						
Treasurer's Name and Address. Does treasurer per next page for details. List deputy treasurers on attack	-05-243 and Dayl flached sheet.	Daytime Telephone Number:					
Karen Jensen 7	(25	3 ) 7095191					
Persons who perform only ministerial functions on behalf of this committee and on behalf of candidates or other political committees. List name, title, and address of these persons.  See WAC 390-05-243 and next page for details.							
7. Committee Officers and other persons who authorize expenditures or make decisions for committee. List name, title, and address. See next page for definition of "officer."  Continued on attached sheet.							
8. Campaign Bank or Depository		Branch	Ci	y			
<ol> <li>Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address.</li> </ol>							
Street Address, Room Number, City where campaign books will be available for inspection							
718 Griffin Ave Enumclaw WA 98022 In order to make an appointment, contact the campaign at (telephone, fax, e-mail): (253 )7095191							
10. Eligibility to Give to Political Committees and State Office Candidates: A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered waters.  11. Signature and Certification, I certify that this statement is true, complete and correct to the best of my knowledge.  Committee Treasurer's Signature  Date							
A check here indicates your awareness of and piedge to comply with these provisions.  Absence of a check mark means your committee does not qualify to give to Washington  State political committees and/or state office candidates.  SEE INSTRUCTIONS ON NEXT PAGE							

Exhibit F

# Declaration

July 13, 2016

To whom it may concern,

I, Susan Etchey, owner and operator of The Enumclaw ECHO, an online newspaper, do declare that Darrel Dickson was not involved with any operatons, nor funded any portion of the operations of the Enumclaw Echo.

Further, a letter to editor was posted in my online newsletter during the 2015 City Council campaign that was negative against Darrel's opponent. This was written and submitted by a private citizen and posted to my online newspaper. I posted this letter to my online newspaper without the consent, knowledge, or any other involvement of Darrel Dickson.

The above statements are true and factual and I have indicated such with my signature below:

Śusan Etchey

Date